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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ZANDRIA PERKINS MORRIS) CASE NO. SA CV 08-01083 (RZ)
O/B/O T.M.,)
Plaintiff,)
vs.)
MICHAEL J. ASTRUE, Commissioner)
of Social Security,)
Defendant.)
_____)

The Court remanded this matter once before, so that the Administrative Law Judge could consider the lay testimony of Plaintiff, the mother of the applicant, in accordance with *Stout v. Commissioner*, 454 F.3d 1050 (9th Cir. 2006). Plaintiff now returns to this Court after a further denial of the application for Supplemental Security Income, but now does not challenge the Administrative Law Judge's consideration of Plaintiff's mother's testimony. Instead, Plaintiff now makes two different arguments.

First, Plaintiff argues that the Administrative Law Judge did not address the report of a psychiatrist that said that Plaintiff's child had limited insight and judgment, and that assigned her a rating of 46 on the American Psychiatric Association's Global Assessment of Functioning Scale. The document specifically referred to, appearing at page 802 of the Administrative Record, is difficult to read, but it appears as if the Administrative

1 Law Judge did, in fact consider it, for he discussed the later-received medical records
2 which included this one. [AR 338] Thereafter, he proceeded to discuss the medical
3 evidence, and whether Plaintiff 's child was functionally disabled. [AR 338-44] This
4 discussion fulfilled his obligation. 20 C.F.R. § 416.926a.

5 It is true that the Administrative Law Judge did not mention specifically the
6 GAF score. However, while the GAF score is relevant, it is a summary measure, and the
7 Administrative Law Judge discussed at length the kinds of behaviors Plaintiff's child
8 exhibited, and whether she met the functional limitations required for a finding of child
9 disability. Plaintiff cites no case law that requires that an administrative law judge
10 specifically discuss a GAF under similar circumstances.

11 Second, Plaintiff claims that the Administrative Law Judge failed to develop
12 the record, because he did not follow up on Plaintiff's recent testimony about trips to the
13 emergency room and heart problems. An administrative law judge has an obligation to
14 develop the record further only if the record is ambiguous or a decision cannot be made on
15 the basis of the current record. *Mayes v. Massanari*, 276 F.3d 453,459-60 (9th Cir. 2001)
16 (*citing Tonapetyan v. Halter*, 242 F.3d 1144, 1150 (9th Cir. 2001)). That was not the case
17 here. Plaintiff gave no indication of where or when the visits to the hospital occurred, even
18 though she was represented by counsel at the hearing, and in this Court Plaintiff still gives
19 no indication of how any further record development would alter the Administrative Law
20 Judge's decision. The record was sufficient for the Administrative Law Judge to make his
21 decision.

22 In accordance with the foregoing, the decision of the Commissioner is
23 affirmed.

24 DATED: July 1, 2009

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RALPH ZAREFSKY
UNITED STATES MAGISTRATE JUDGE